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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,811	05/31/2000	Daniel Joseph Melchione	NAI11P004/00.006.01	4296
28875	7590	12/06/2004	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			GURSHMAN, GRIGORY	
			ART UNIT	PAPER NUMBER

2132

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/585,811

Applicant(s)

MELCHIONE, DANIEL JOSEPH

Examiner

Grigory Gurshman

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,9-13,15-18 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-13,15-18 and 24-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/26/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The amended drawings (Fig.1) are accepted by examiner.

### ***Response to Arguments***

2. Referring to claims 7, 10 and 25, the rejections under 35 U.S.C. 101 have been overcome by the amendment.
3. Claims 2, 8, 14 and 19-23 have been canceled. Claim 29 has been added.
4. Claims 1, 7, 13, 24-28 have been amended. Applicant's amendments of the instant claims reflect "the process identified from a plurality of processes each carried out by an executable file, the process including at least one process initiated by an application program selected from the group consisting of a network browser ...". This limitation is addressed in the rejections herein. Applicant's amendments have necessitated the new ground(s) of rejection provided herein.
5. Referring to the independent claims Applicant argues that Ranger offers no suggestion or teaching of a "process for accessing files". Examiner disagrees and point out that Ranger teaches the content analysis through a content inspection mechanism (see column 2, lines 25 – 28 and unit 18 in Fig 3). In addition to it, Ji also teaches identifying the process by determining whether the file is executable module.
6. Applicant further argues that prior art does not teach "defining a plurality of extensions indicative of different types of files". Examiner points out that Ji teaches determining whether the file to be transferred is of a type that can contain viruses. This

step is preferably performed by checking the extension of the file name (see Ji column 7, lines 35-40).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3 - 7, 9 -13, 15 - 18 and 24 - 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranger (U.S. Patent No. 6,393,568 B1) in view of Ji (U.S. Patent No. 5,623,600).

9. Referring to the instant claims, Ranger discloses a system with content analysis provision (see abstract and Figs. 1 and 3). Ranger teaches providing content analysis through a content inspection mechanism, such as detection of a computer virus using a virus detection algorithm based on determining whether digital input information is encrypted. The content inspection mechanism analyzes decrypted content for such things as virus patterns, keywords, unknown program format, or any other content based criteria. The system generates a decryption request to decrypt encrypted digital input information prior to applying content analysis, such as virus detection. In response to the decryption request, the system decrypts the encrypted information prior to content

analysis such as virus detection and applies a content analysis application, such as a virus detection algorithm (see abstract).

10. Referring to the independent claims 1, 7, 13, 19, 28 and 29, the limitation "identifying a process for accessing files" is met by the content analysis through a content inspection mechanism (see column 2, lines 25 – 28 and unit 18 in Fig 3).

Ranger teaches that the content inspection mechanism analyzes content for such things as virus patterns, keywords, unknown program format, clearance labels or any other content based criteria. The actions are selected based on the result of the inspection for example removal of a detected virus, filtering out programs of unknown format or non-approved formats, flagging files containing specific key words for additional scrutiny, or other desired action (see column 2, lines 28-38), which meets the limitation "selecting virus detection actions based at least in part on the process". The limitation

"performing the virus detection actions on the files" is met by blocks 42 and 44 in Fig. 2. Ranger teaches that the use of cryptographic application and virus detection application, which meet "executable files" recited in the instant claims.

11. Referring to claims 5, 11 and 17, Ranger teaches determining whether digital input information is encrypted (see column 2, line 29), which meets the limitation "a file signature associated with the process".

12. While Ranger teaches analyzing the files for key words or patterns, he does not explicitly teach that a process is identified from a plurality of processes each carried out by an executable file within a network browser or other application. Referring to the instant claims, Ji discloses a virus detection and removal apparatus (see abstract). Ji

teaches determining whether the file to be transferred is of a type that can contain viruses. This step is preferably performed by checking the extension of the file name. For example, .txt, .bmd, .pcx and .gif extension files indicate that the file is not likely to contain viruses while .exe, .zip, and .com extension files are of the type that often contain viruses (see column 7, lines 35-40).

Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the content analyzer of Ranger by adding the functionality for checking whether the process for accessing the file is carried out by an executable file within an application as taught in Ji. One of ordinary skill in the art would have been motivated to modify the content analyzer by adding the functionality for checking whether the process for accessing the file is carried out by an executable file within an application as taught in Ji for scanning the files for viruses (see Ji abstract).

13. Referring to claim 28, it is notoriously well known in the to use a virus scanning systems for preventing download of the infected files. One of ordinary skill in the art would have been motivated to scan for viruses and prevent download of the infected files in order to protect the system from the executable files representing the virus running on the system and eventually destroying it.

14. Referring to the limitation "the process identified from a plurality of processes each carried out by an executable file, the process including at least one process initiated by an application program selected from the group consisting of a network browser ...", Ji shows that files and programs are downloaded through the internet (see Fig. 6A). That

means that the programs will include browsers or other internet applications within them.

15. Referring to claim 29, Ranger teaches determining whether digital input information is encrypted (see column 2, line 29), which meets the limitation " a file signature associated with the process".

### ***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (571)272-3803. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GG

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Grigory Gurshman  
Examiner  
Art Unit 2132

  
THOMAS R. PEESO  
PRIMARY EXAMINER